

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6183

BILL NUMBER: SB 133

NOTE PREPARED: Nov 1, 2010

BILL AMENDED:

SUBJECT: Identification Requirements for Alcohol Purchases.

FIRST AUTHOR: Sen. Randolph

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill repeals a provision that makes it a Class B misdemeanor for an alcoholic beverage permittee or the permittee's employee or agent to recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish another person an alcoholic beverage for consumption off the licensed premises without first requiring the person to produce proof that the person is at least 21 years of age consisting of: (1) a driver's license; (2) a government-issued identification card; or (3) a government-issued document; that bears the person's photograph and birth date.

Effective Date: July 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues: Repeal of this Class B misdemeanor is expected to have minimal fiscal impact, but could reduce funds to both the state General Fund and the Common School Fund. [No misdemeanor charges have been filed at the state level for violations of this statute. Twelve administrative violations have been cited since the law became effective in July 2010.]

The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public

defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: The repeal of this misdemeanor may reduce the number of offenders incarcerated in a county jail. However, there are no data available to indicate the magnitude of the reduction. A Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: Local governments receive revenue from the following sources when court actions occur and guilty verdicts are entered for Class B misdemeanors. The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: E. Dunsmore, Alcohol and Tobacco Commission.

Fiscal Analyst: Karen Firestone, 317-234-2106.